



**NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.**

*Representing America's Finest*

**U. S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON WAYS AND MEANS  
*Subcommittee on Social Security***

**Statement of  
William J. Johnson on behalf of the  
National Association of Police Organizations  
317 S. Patrick Street, Alexandria, Virginia 22314**

***"Protecting and Preserving Social Security: Benefit Enhancements."  
March 13, 2019***

Chairman Larson, Ranking Member Reed and distinguished members of the Subcommittee, my name is William Johnson and I am the Executive Director of the National Association of Police Organizations (NAPO). I am submitting this statement today on behalf of NAPO, representing over 241,000 active and retired law enforcement officers throughout the United States. NAPO is a coalition of police unions and associations from across the nation, which was organized for the purpose of advancing the interests of America's law enforcement officers through legislative advocacy, political action and education.

I would like to take this opportunity to make you aware of the adverse affect the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP) have on public safety officers and their families who are outside of the Social Security system because of professional need.

Since 1935, state and local government employees have been deliberately excluded by Congress from mandatory participation in Social Security for two reasons: a Constitutional concern over whether the federal government could impose a tax on state governments; and because many state and local employees were already protected by public pension plans. Today, there are about 6.5 million such employees in the state and local workforce – including 76 percent of public safety officers.

As public safety officers often retire under job related disability, many state and local governments have opted to keep their employees in adequate pre-existing pension systems. While intended to be a “leveling” response, the GPO and WEP disproportionately harm our nation's public safety officers, who due to their profession, are not covered by Social Security.

The GPO reduces public employees' Social Security spousal or survivor benefit by two-thirds of their public pension. This has a detrimental effect on a law enforcement officer's retirement. If a spouse who paid into Social Security dies, the surviving public safety officer would normally be eligible for half of the deceased's benefit. However, if the surviving law enforcement officer had not been paying into Social Security while working, the GPO requires that this amount be offset by two-thirds of the survivor's pension, eliminating most or all of the payment. If these officers had not chosen to serve their communities, they would receive the full allotment of the spouse's benefit.

In addition to the GPO, public safety employees are also adversely affected by the WEP. Although most

law enforcement officers retire after a specific length of service, usually while in their early to mid fifties, many look for new opportunities. Many take jobs in Social Security covered positions in the private sector that allow them to put their skills and experience to good use. Yet, when they retire from a non-Social Security paying job and move to one that does pay into Social Security, they are penalized by WEP. Instead of receiving their rightfully earned Social Security retirement benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

The WEP causes hard-working public safety officers to lose the benefits they earned themselves, thus punishing those who selflessly serve and protect our communities. The GPO and WEP unfairly penalize officers for choosing a public service profession that mandates early retirement by taking away hard-earned, and much needed benefits.

This issue is more than a retirement issue; it is a public safety issue. Not only do the GPO and WEP impact individual public safety officers and their families, they impact the public safety profession. The GPO and WEP discourage talented people from entering or staying in the public safety profession. Individuals who worked in other careers are less likely to want to become police officers or firefighters if doing so will mean a loss of earned Social Security benefits. Additionally, non-Social Security states are finding it difficult to attract quality law enforcement officers as more people learn about the GPO and WEP.

While NAPO continues to advocate for full repeal of the GPO and WEP, we understand there are significant fiscal challenges associated with this effort. We have therefore worked closely with other public sector organizations to find common ground on a meaningful WEP reform proposal. Chairman Richard Neal and Ranking Member Kevin Brady have introduced WEP reform legislation, the Equal Treatment of Public Servants Act, which has gotten us closer to the possibility of true WEP reform than ever before. However, there is still work to be done to ensure all public servants benefit from the reform.

The Equal Treatment of Public Servants Act would repeal the WEP, replacing it with a new Social Security benefit formula designed to more accurately account for years a public employee paid into Social Security versus the years paid into a public pension system in a non-Social Security covered position. As a result of this change, the Social Security actuary has projected that the majority of current retirees impacted by WEP would see roughly one-third of their benefit restored.

The legislation would create two distinct groups of retirees. The first – individuals age 55 and younger – would have their WEP calculated using the new formula created under the Equal Treatment of Public Servants Act, which will go into effect in 2025. The second group, consisting of individuals age 56 and older as of 2020, will keep the current WEP formula and get a monthly rebate to help make up for part of the lost benefits due to WEP. The rebate would be \$100/month (or \$50/month for a spouse) and subject to cost of living increases.

Additionally, as of 2025, the current exemption from the WEP for those who have worked in a Social Security covered job for 30 or more years would be eliminated. Those workers with 30 or more years paying into Social Security who retired prior to 2025 would still be exempt from the WEP. After 2025, all future retirees would be subject to the new WEP formula, no matter how many years they paid into Social Security.

This elimination of the WEP exemption would adversely impact our members who work in states where public employees are covered by Social Security. There are only fifteen states where public employees are

not covered by Social Security: Alaska, California, Colorado, Connecticut, Georgia, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Missouri, Nevada, Ohio, Rhode Island and Texas. NAPO cannot support legislation, no matter how promising the reform, if it adversely impacts the retirement security of any public safety officers who have given so much in service to their communities. The WEP exemption must be kept intact as part of WEP reform.

NAPO believes we will be able to come together and successfully pass meaningful WEP reform that helps restore retirement security to public employees across this nation. We look forward to working with the Subcommittee to remedy the arbitrary and unwarranted penalties faced by retired law enforcement officers and their families.

Thank you for your time and consideration of this important issue.